IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL APPEAL No 213 of 1992

For Approval and Signature:

Hon'ble MR.JUSTICE B.J.SHETHNA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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KANTIBHAI MOTIBHAI LIMBACHIYA

Versus

RANABHAI NARANBHAI BHARWAD

Appearance:

1. Criminal Appeal No. 213 of 1992

MR MC SHAH for Petitioner No. 1

MR HM PARIKH for Respondent No. 1

MR BY MANKAD, ADDL.PUBLIC PROSECUTOR for Respondent No. 2

CORAM : MR.JUSTICE B.J.SHETHNA

Date of decision: 13/08/2001

ORAL JUDGEMENT

The appellant Food Inspector has challenged in this appeal the judgement and order of acquittal dated 7.12.1990 passed by the learned Chief Judicial

Magistrate, Navsari in Criminal Case No. 7440/88, whereby he acquitted the respondent accused for the offences under Section 7(1), read with Sec.16 of the Prevention of Food Adulteration Act for selling adulterated milk.

In the instant case, the offence is alleged to have taken place on 1.12.1987. The respondent was a petty vendor. He was selling milk in two cans. The learned Magistrate thought it not fit to convict him because according to him while taking sample, the milk was not properly churned and the pot in which the sample was taken was not clean. That apart, there was a delay in filing the complaint. In such type of cases, it would not be safe to convict the accused after lapse of more than 14 years of the commission of the offence.

In view of the above discussion, this appeal fails and is dismissed.

(B.J.Shethna, J.)

*/Mohandas